REMARKS

By this amendment, claims 1, 12, 13 and 20 have been amended. Claims 3-11 and 14-19 have been cancelled. Claims 1, 12, 13 and 20 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration and allowance of the application, as amended, are respectfully requested.

Rejection under 35 U.S.C. § 103

Claim 1

Claim 1 recites a method of automatically generating a list of favorite media selections of a user of a media presentation device offering a plurality of media selections, comprising: recording for each of a plurality of selections a total time that each of the plurality of selections have been selected on the media presentation device over a particular period of interest, wherein recording includes: (i) for each occurrence of selecting one of the plurality of selections over the particular period of interest, (*a*) recording in a first table entries of a start time, an end time, a date, and a corresponding selection identification number, wherein a total time per occurrence corresponds to a difference between the end time and the start time, and (*b*) deleting from the first table entries that no longer occur within the particular period of interest, and (ii) responsive to one of more of a user activation of a favorite list key or a user selection of a favorite list feature of an on-screen menu, referencing the first table to perform at least one of generating and updating a second table, wherein the at least one of generating and updating the second table includes (*a*) using entries of the first table per selection to calculate a cumulative total time for each of the plurality of selections that have been selected over the particular period of interest and (*b*) recording each cumulative total time for corresponding selections as entries of the second table; and further responsive to one or more of the user selection of the favorite list key or the user selection of the favorite list feature of the on-screen menu, sorting and generating from the entries of

the second table a favorite selection list, wherein sorting and generating the favorite selection list comprises sorting and generating up to N selections of the plurality of selections corresponding to those most frequently selected as determined from (*a*) the recorded cumulative total time that each of the plurality of selections has been selected over the particular period of interest and (*b*) only if the recorded cumulative total time of a corresponding selection during a sampling period within the period of interest exceeds a threshold, wherein the sampling period comprises a sampling period preset by a manufacturer of the media presentation device or set by an end user of the media presentation device, further wherein N is a predetermined number of selections to be included on the favorite selection list.

Claims 1, 2, 4, 7, 8, 9, 11, 12, 13, 14 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Klosterman et al. (US 6078348) in view of Bedard (US 5801747). With respect to claims 2, 4, 7, 8, 8, 11 and 14, the same have been cancelled herein, thus rendering the rejection thereof moot. With respect to claims 1, 12, 13 and 20, applicant respectfully traverse this rejection on the grounds that the references are defective in establishing a prima facie case of obviousness.

With respect to claim 1, Applicant traverses this rejection on the grounds that these references are defective in establishing a prima facie case of obviousness with respect to claim 1.

35 U.S.C. § 103 provides that:

> *A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ...* (Emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, neither Klosterman nor Bedard teaches or

suggests "*automatically* generating a list of favorite media selections" as specifically claimed in claim 1, it is impossible to render the subject matter of claim 1 as a whole obvious.

As described in the specification, the claimed embodiments provide a novel and non-obvious method of automatically generating a list of favorite media selections of a user of a media presentation device not taught or suggested by the cited art. The method and system generate the list of favorite channels by determining the length of time a viewer tunes to each channel and adds to the favorite channel list a predetermined number of channels to which the viewer tunes to more than a pre-specified length of time within a sampling period within a period of interest (See page 4, lines 7-9 and page 10, lines 10-12). The present embodiments also require automatic generation of the favorite channel list in response to a user pressing a "favorite" key or a user selection of an on-screen menu "favorite list" feature (See page 8, lines 15-16 and line 20-21).

With the present embodiments, a first table contains raw channel selection entries that occur over a period of interest. In addition, entries that no longer occur within the period of interest are deleted (See page 10, lines 10-12). In response to a user pressing a "favorites" key or selecting "favorite list" of an on-screen menu, then total times for each of the channels viewed are stored in the second table. Further in response to the user pressing the "favorite" key or selection of the "favorite list" of the on-screen menu, a channel statistics manager unit sorts and automatically generates from the second table a favorite channel list listing N most watched channels during a particular period of interest (See page 11, lines 2-12). Generating the Favorite Channel list at any other time would unnecessarily consume resources since the channels of the favorite channel list are subject to change at any time before the "favorites" key is pressed (See page 12, lines 1-3).

Still further, the present embodiments permit adding a channel to the favorite channel list only if the channel has been viewed for more than a threshold accumulated viewing time over a longer sampling period within the period of interest. In one example, a channel would be added to the favorite channel list only if it was viewed for more than 10 hours over a one week sampling period (i.e., a threshold amount within a sampling period of 1 week within a period of interest of days, weeks or months) (See page 13, lines 13-21). Lastly, the threshold accumulated viewing period and the sampling period are preset by the manufacturer or set by the user (See page 14, lines 1-2).

As presented and discussed herein, amended claim 1 requires more than simply using two tables instead of one to generate a favorite list, as evidenced by the numerous claim elements, which together as a whole, are neither taught nor suggested by Klosterman or Bedard, alone or in combination. Furthermore, the method of claim 1 requires more than simply adding entries to a favorites list.

As amended and now presented, claim 1 more clearly defines and distinctly claims the subject matter that the applicant seeks to patent. Support for the amendment to claim 1 can be found in the specification as indicated herein above.

Accordingly, it is impossible to render the subject matter of claim 1 as a whole obvious, and the explicit terms of the statute cannot be met. Thus, a *prima facie* case of obviousness has clearly not been met, and the rejection of claim 1 under 35 U.S.C. §103 should be withdrawn.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Dependent claim 12 depends from and further limits, in a patentable sense, independent claim 1 and therefore is allowable as well.

Claim 13 is similar to claim 1 and is now believed allowable for similar reasons stated above with respect to the allowability of claim 1. Dependent claim 20 depends from and further limits, in a patentable sense, allowable independent claim 13 and therefore is allowable as well.

Claims 5, 6, 18 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Klosterman et al. (US 6078348) and Bedard (Us 5801747) in view of applicants admitted prior art. With respect to claims 5, 6, 18 and 19, the same have been cancelled herein, thus rendering the rejection thereof moot.

Claims 10 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Klosterman et al. (US 6078348) and Bedard (Us 5801747) in view of Kiyoura et al. (US 4841506). With respect to claims 10 and 15, the same have been cancelled herein, thus rendering the rejection thereof moot.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Klosterman et al. (US 6078348) and Bedard (Us 5801747) in view of Tanaka (US 5617571). With respect to claims 17, the same has been cancelled herein, thus rendering the rejection thereof moot.

Conclusion

It is clear from all of the foregoing that independent claims 1 and 13 are in condition for allowance. Dependent claims 12 and 20 depend from and further limit independent claims 1 and 13, respectfully, and therefore are allowable as well.

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced.

An early formal notice of allowance of claims 1, 12, 13 and 20 is requested.

Respectfully submitted,

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Dated: 1/31/05

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a-32658.72

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1/31/05